

Date: March XX, 2018

Subject: FAQ for User Fee Adjustment

Question: If a Federally-facilitated Exchange (FFE) issuer that qualified for a user fee adjustment for contraceptive claims costs has an adjustment amount outstanding but will no longer be on the FFE, can it enter into an agreement with another FFE issuer to receive full value for the adjustment?

Answer: Under CMS regulations, an FFE issuer qualifies for a reduction of its FFE user fee obligation in connection with the submission of contraceptive claims incurred by a third-party administrator (TPA) or pharmacy benefit manager (PBM) that has paid contraceptive claims on behalf of enrollees in a self-insured group health plan of an eligible organization that is not required to provide, pay, or arrange for the provision of contraceptive services. TPAs/PBMs and FFE issuers submit data on contraceptive claims annually for an applicable benefit year and monthly adjustments to the FFE user fee begin shortly after that data submission deadline.

CMS cannot directly reduce the amount of the FFE user fee collected for an issuer that no longer operates on the FFE because that issuer has no current obligation to pay the FFE user fee. However, any FFE issuer that qualified for a reduction to its FFE user fee for a benefit year, irrespective of whether it is currently on the FFE, may direct CMS to apply a reduction equal to any outstanding adjustment amount to another issuer that currently operates on the FFE. CMS will effectuate the user fee adjustment for any applicable newly identified FFE issuer in the next applicable monthly payment cycle.

FFE issuers should submit an attestation form to FFMuserfeeadjustments@cms.hhs.gov with signatures from the original FFE issuer that submitted data for the FFE user fee adjustment for the applicable benefit year, and any applicable additional or alternate FFE HIOS ID for which they are requesting the FFE user fee adjustment to apply. The attestation must be signed by an individual who can legally and financially obligate each FFE HIOS ID (that is, the original FFE issuer that submitted data for the FFE user fee adjustment for the applicable benefit year, and any applicable additional or alternate FFE HIOS ID for which they are requesting the FFE user fee adjustment to apply). The format and contents of this attestation are available on the CCIIO website in the "Premium Stabilization Program" "Form" section of <https://www.cms.gov/CCIIO/Resources/Forms-Reports-and-Other-Resources/index.html>. Issuers should indicate "Reduction of FFE User Fee Obligation" in the subject line of the e-mail to FFMuserfeeadjustments@cms.hhs.gov.